

**STANDARD APPLICATION**  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014

JUN 12 2006

Case No.	5551
Date Filed	6/6/06
Hearing Date	
Receipt	
Fee	\$450.00

Shaded Areas for Office Use Only

**Type of Application**

- ☐ Administrative Decision/Interpretation  
☐ Special Exception  
☐ Use Variance  
☐ Change/Extension of Non-Conforming Use  
☐ Minor Area Variance  
☐ Area Variance  
☒ Variance from Requirements of the Code  
☐ Zoning Map/Drafting Correction

**Nature of Request and Section(s) of Code**

**CASE 5551 MAP 62 TYPE Variance ELECTION DISTRICT 01**

**LOCATION** 1217 Bush Road, Abingdon 21009

**BY** Anthony Barner and Reginald Scales

**Appealed because** a variance pursuant to Sec. 267-22G(1) of the Harford County

**Code to permit the creation of a second lot on a panhandle in the R1 District, requires approval by the Board.**

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

**Applicant/Owner (please print or type)**

Name Anthony M. Barner Phone Number (410) 679-7505

Address 1217 Bush Road, Abingdon, Maryland 21009  
*Street Number Street City State Zip Code*

Co-Applicant Reginald Scales Phone Number (410) 679-7505

Address 1217 Bush Road, Abingdon, Maryland 21009  
*Street Number Street City State Zip Code*

Contract Purchaser N/A Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
*Street Number Street City State Zip Code*

Attorney/Representative Robert S. Lynch, Esquire Phone Number (410) 879-2222

Address Stark and Keenan, P.A., 30 Office Street, Bel Air, Maryland 21014  
*Street Number Street City State Zip Code*

## Land Description

Address and Location of Property 1217 Bush Road, Abingdon, Maryland 21009

Subdivision "Land of Scales & Barmer"

Lot Number N/A

Acreage/Lot Size 10.125 acres

Election District First

Zoning R1

Tax Map No. 62

Grid No. 2D

Parcel 667

Water/Sewer: Private ☐

Public ☒

List ALL structures on property and current use: existing single-family dwelling

Estimated time required to present case: 30 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☒ No ☐

If so, what is the Critical Area Land Use designations: IDA

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

## Request

See Attached.

## Justification

See Attached.

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

## **ATTACHMENT TO BOARD OF APPEALS CASE**

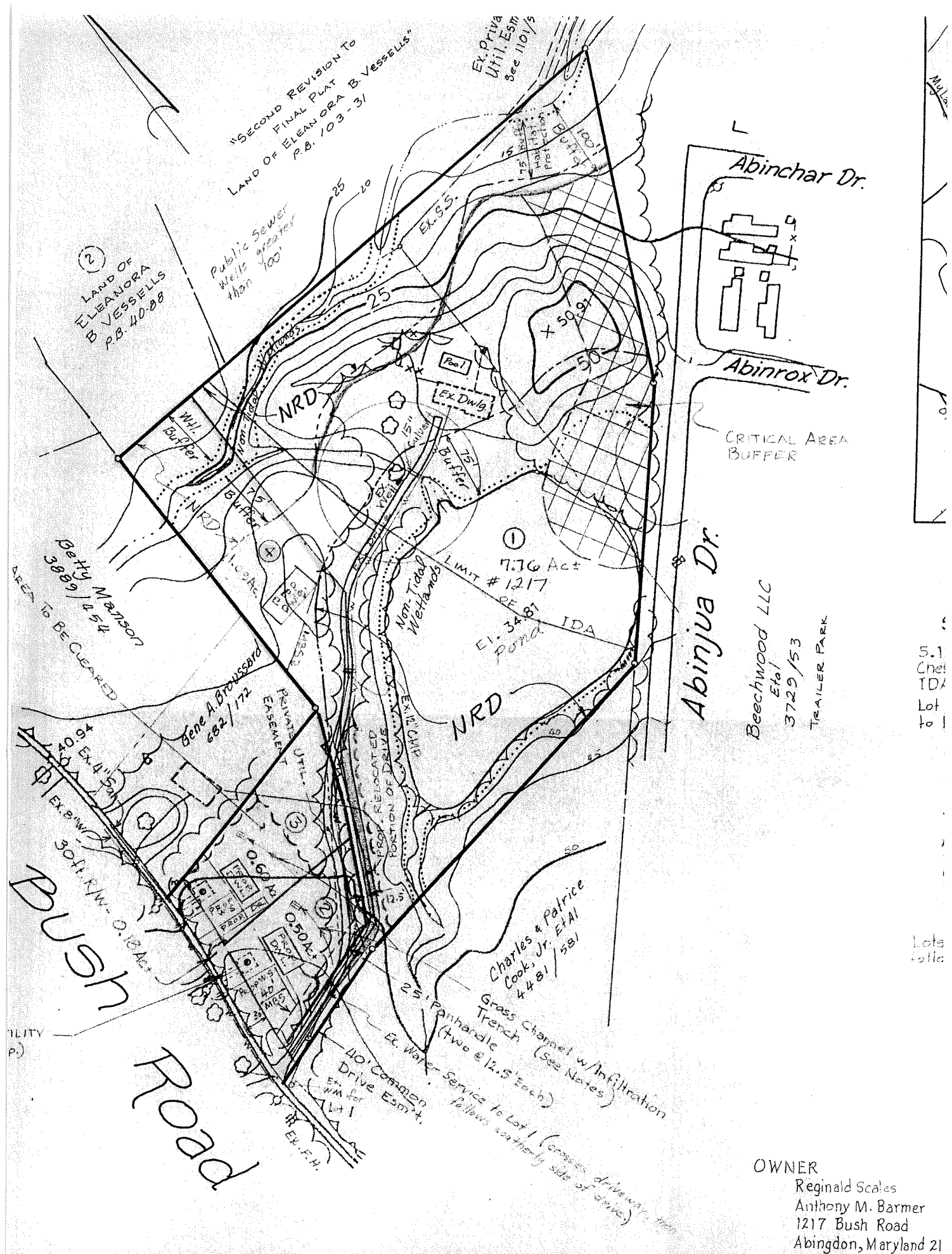
**Applicants: Anthony M. Barmer and Reginald Scales**

### **Request:**

A variance from § 267-22G(1) of the Harford County Zoning Code to allow the creation of a second lot on a panhandle in the R1 Urban Residential District.

### **Justification:**

The subject property is situated along Bush Road in Abingdon, Maryland. It is constrained by the Chesapeake Bay Critical Area, a large pond and wetlands. The Applicants seek to create a 1.09 acre lot which exceeds the R1 minimum lot requirements. By reason of the uniqueness of the property and topographical conditions, the literal enforcement of this Part 1 will result in practical difficulty and unreasonable hardship and the variance will not be substantially detrimental to adjacent properties and will not materially impair the purpose of this Part 1 or the public interest.



OWNER  
 Reginald Scales  
 Anthony M. Barmer  
 1217 Bush Road  
 Abingdon, Maryland 21

DAVID R. CRAIG  
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO  
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

July 6, 2006

#### **STAFF REPORT**

#### **BOARD OF APPEALS CASE NO. 5551**

APPLICANT/OWNER: Anthony M. Barmer  
1217 Bush Road, Abingdon, Maryland 21009

Co-APPLICANT: Reginald Scales  
1217 Bush Road, Abingdon, Maryland 21009

REPRESENTATIVE: Robert S. Lynch, Esquire  
Stark and Keenan, P.A.,  
30 Office Street, Bel Air, Maryland 21014

LOCATION: 1217 Bush Road  
Tax Map: 62 / Grid: 2D / Parcel: 667  
Election District: First (1)

ACREAGE: 10.125 Acres

ZONING: R1/Urban Residential District

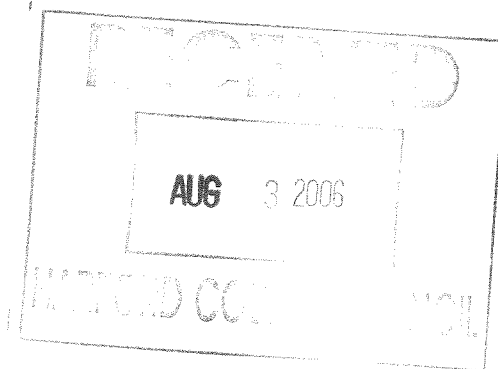
DATE FILED: June 6, 2006

HEARING DATE: August 7, 2006

#### **APPLICANT'S REQUEST and JUSTIFICATION:**

See ATTACHMENT 1.

#### **CODE REQUIREMENTS:**



*Preserving Harford's past; promoting Harford's future*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • [www.harfordcountymd.gov](http://www.harfordcountymd.gov)

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

## STAFF REPORT

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Anthony Barmer and Reginald Scales

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The Applicants are requesting a variance pursuant to Section 267-22G(1) of the Harford County Code to permit the creation of a second lot on a panhandle in the R1/Urban Residential District.

Section 267-22G(1) of the Harford County Code reads:

G. *Panhandle –lot requirements. Panhandle lots shall be permitted for agricultural and residential uses, to achieve better use of irregularly shaped parcels to avoid development in areas with environmentally sensitive features or to minimize access to collector or arterial roads, subject to the following requirements:*

- (1) *Except in Agricultural and Rural Residential Districts, with regard to any parcel, as it existed on September 1, 1982, not more than one (1) lot or five percent (5%) of the lots intended for detached dwellings, whichever is greater, and not more than ten percent (10%) of the lots intended for attached dwellings may be panhandle lots.*

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The Applicant's property is located on the east side of Bush Road near the intersection of Harford Town Drive. The property borders the north side of the Beechwood Mobile Home Park. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The predominant land use designations in the area are Low, Medium and High Intensities. The Natural Features Map reflects Chesapeake Bay Critical Area and Stream Systems. The rear portion of the property is within the Chesapeake Bay Critical Area and is designated as IDA. The subject property is designated as Medium Intensity which is defined by the 2004 Master Plan as:

***Medium Intensity*** - *Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.*

***Intensely Developed Areas*** – *Areas where residential, commercial, institutional, and/or industrial land uses predominate and where relatively little natural habitat occurs. This is where development will continue to be concentrated.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

#### **Land Use – Existing:**

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The existing land uses conform to the overall intent of the Master Plan. Residential uses include single-family dwellings, townhouses, garden apartments and condominiums. Commercial uses include retail, professional and personal services, automotive related uses and restaurants. The topography for the area ranges from level to gently rolling. A topography map and a copy of the aerial photograph for this general area of the County are enclosed with the report (Attachments 6 and 7).

The property is located on the east side of Bush Road approximately 100 feet north of Harford Town Drive. This property is in close proximity to the Bush Valley Landfill. The parcel is an irregular shaped parcel consisting of 10.125 acres with approximately 270 feet of frontage on Bush Road. A significant portion of the property is wooded. The topography of the site is level to rolling. Improvements consist of a brick and frame split level dwelling. Other improvements consist of a concrete parking pad in front of the house, a large pond and a gravel driveway. Located to the rear of the dwelling in a fenced area is an in-ground pool. There are streams crossing the property. The property contains wetlands and stream buffers. According to the proposed preliminary plan the improvements will remain on Lot 1 (see Attachment 3). Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 8 and 9). A preliminary plan was approved on November 7, 2005 to create three lots (Attachments 10 and 11).

### Zoning:

The zoning classifications in the area are consistent with the intent of the 2004 Master Plan. The predominant zoning classifications are R1, R2, R3, and R4/Urban Residential Districts. Commercial zoning includes B2/Community Business District and B3/General Business Districts. The subject property is zoned R1/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 12).

### SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-22G(1) of the Harford County Code to permit the creation of a second lot on a panhandle in the R1/Urban Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The four lots proposed are substantially less than the number of lots that would be permitted based on the allowed density in the R1 zoning district. It is not practical to create a public road to serve these lot due to the

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Anthony Barmer and Reginald Scales

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location of the natural features and the configuration of the parcel. The creation of a second panhandle lot will allow the property to be subdivided with the least amount of disturbance to the environmental features on this site. Lots 2, 3 and 4 will be located outside of the limits of the Chesapeake Bay Critical Area.

The Chesapeake Bay Critical Area Commission has reviewed the request and in a letter dated June 27, 2006 stated that their office does not oppose the creation of lot 4 as an extra panhandle lot. A copy of the letter is attached to this report (Attachment 13).

### **RECOMMENDATION and or SUGGESTED CONDITIONS:**


The Department of Planning and Zoning recommends that the requested variance be approved subject to the following conditions:

1. The Applicants shall submit a preliminary plan for review and approval by the Department of Planning and Zoning.
2. The Applicants shall submit final plats to be approved by the County and recorded in the Harford County Land Records.
3. All four lots shall be served by one common driveway. The Applicants shall submit a common drive agreement with the final plat for review and approval.

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Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

DJS/ASM/jf



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Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning